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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUAN X. HIGH and ALICE KING-
COLLINS,

Plaintiffs,

v.

MICHAEL MANDA, *et al.*,

Defendants.

Case No. 2:17-cv-01579-APG-VCF

**ORDER ON REPORT AND
RECOMMENDATION**

(DKT. No. 8)

On November 2, 2017, Magistrate Judge Ferenbach entered a report and recommendation that I dismiss this case with prejudice because plaintiff Juan High¹ did not file a second amended complaint by September 15, 2017, as directed. ECF No. 8. High did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)).

I nevertheless conducted a de novo review. 28 U.S.C. § 636(b)(1). High’s amended complaint did not contain sufficient factual allegations to show the Magnuson-Moss Warranty Act’s amount in controversy requirement was met. ECF No. 5. Consequently, Judge Ferenbach properly directed High to file a second amended complaint to address this jurisdictional defect. High did not file an amended complaint. Accordingly, the court lacks subject matter jurisdiction over this case.

¹ Plaintiff Alice King-Collins was not named as a plaintiff in the amended complaint. ECF No. 5.

1 IT IS THEREFORE ORDERED that Judge Ferenbach's report and recommendation
2 **(ECF No. 8) is accepted** with the modification that High's amended complaint (ECF No. 5) is
3 dismissed for lack of subject matter jurisdiction. The clerk of court is instructed to close this
4 case.

5 DATED this 6th day of December, 2015.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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